

Serial No. 09/520,810

# **REMARKS**

## **STATUS OF THE CLAIMS**

Claims 1-37 are pending in the application.

Claims 1, 2, 4-27, 29, 31, 33-34, 36 and 37 are allowed.

Claims 28-30, 32, 34, 36, and 37 were objected to due to informalities, as indicated.

Claims 3, 28, 30, 32, and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Buhler et al. (U.S. Patent No. 6,404,741).

According to the foregoing the claims are amended, and, thus, objected to and rejected pending claims 3, 28-30, 32, 34, 35, 36 and 37 remain pending for reconsideration, which is respectfully requested.

No new matter has been added.

## **OBJECTIONS**

Claims 28-30, 32, 34, 36, and 37 were objected to due to informalities, as indicated. These claims have been amended, taking into consideration the Examiner's comments. In particular, regarding claims 28-30, the expression "a packet-switched network multimedia phone call function control command and a packet-switched phone function control command to ***the user-selected predetermined packet-switched multimedia phone to control the packet-switched network multimedia phone call function and the packet-switched phone function control across the packet switched network from the packet-switched multimedia phone,***" is clear because of the antecedent expression, "a controller transmitting, based on an instruction from a ***user selecting the predetermined packet-switched multimedia phone from the target list.***"

Withdrawal of the objections is respectfully requested.

## **REJECTION**

Claims 3, 28, 30, 32, and 35 were rejected under 35 USC 102(e) as being anticipated by Buhler et al. (U.S. Patent No. 6,404,741). Buhler is newly cited, and, thus, newly relied upon.

Buhler is directed to monitoring a packet telephony device using a control device attached thereto and to a communications network. In Buhler, a control device (130) is

Serial No. 09/520,810

connected to a network and a packet telephony device (100) through a control connection (140) such that the control device (130) receives and forwards control commands intended for the packet telephony device (100) (see, Buhler's FIG. 1 and corresponding text, such as column 6, lines 1-9). A network administration server (150) is also provided to retrieve information and apply control operations to the packet telephony device (100) (see, col. 4, lines 19-29). That is, Buhler controls the packet telephony device by transmitting commands to the same using the control device (130).

In contrast to Buhler, the claimed present invention enables controlling "**a packet-switched network phone call function**" and "**a packet-switched phone function**" **from the packet-switched phone** according to a **call function control command transmitted from a packet-switched phone controller** of the packet-switched phone. Independent claims 3, 28, 30, 32 and 35 are amended to clarify the same. In contrast to Buhler, using claim 3 as an example, the claimed present invention provides:

3. (CURRENTLY AMENDED) A computer readable recording medium whereon is stored a packet-switched network multimedia phone communication control program controlling a packet-switched phone controller that is directly communicably connectable on a packet switched network with a packet-switched phone, via respective packet-switched input/output interfaces, according to a process comprising:

generating a control command based on an instruction from a user, the control command including an instruction related to a packet-switched network multimedia phone call function on said packet-switched network and related to a packet-switched phone function control of the packet-switched phone on the packet switched network; and

transmitting the control command to the packet-switched phone via the packet switched network **to control the packet-switched network multimedia phone call function and the packet-switched phone function control across the packet switched network from the packet-switched phone in accordance with the control command.**

Serial No. 09/520,810

The Office Action, in item 3, the paragraph spanning pages 3-4, alleges that in Buhler:

Herein, the control commands are telephony related commands such as call directing, message retrieving, etc. ... (generating and transmitting the control command including an instruction related to a packet-switched network multimedia phone call function on the packet-switched network and related to a packet-switched phone function control the packet-switched phone to the packet-switched phone). Buhler discloses in FIG. 2A, the control device includes a control data store (a control target list storing information relating to a predetermined packet-switched multimedia phone).

However, Buhler does not provide a description of "commands such as call directing, message retrieving, etc." Buhler only discusses monitoring of the operation of the packet telephony device, basic maintenance, such as rebooting, of the packet telephony device 130 and power control commands to the packet telephony device 130 (column 2, lines 18-27, column 2, line 65 to column 3, line 58, column 4, line 64 to column 5, line 46). Further, in FIGS. 2A and 2B of Buhler, the information stored in the control data store 230 of the control device 130 is not described, see:

Control data store 230 is a data store including a memory element used to store code and/or data, and also loadable threshold data for automated control device intervention. The control data storage device 230 can be any of a number of known memory units, such as a disk, flash-ram, processor-resident memory, a PROM or any other kind of suitably-defined memory (column 4, lines 48-54).

and, thus, not enabled to anticipate the claimed present invention. Therefore, Buhler cannot anticipate the claimed present invention's, "transmitting the control command to the packet-switched phone via the packet switched network to control the packet-switched network multimedia phone call function and the packet-switched phone function control across the packet switched network from the packet-switched phone in accordance with the control command," as recited in independent claims 3, 28, 30, 32 and 35. Support for the claim amendments can be found, for example, in page 46, line 18 to page 66, line 19 (in particular, page 61, line 14 to page 66, line 19), and FIGS. 1, 2, 6, 14, 15, 17, 18 and 19, of the present Application.

In view of the claims amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

Serial No. 09/520,810

**CONCLUSION**

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,  
STAAS & HALSEY LLP

Date: September 15, 2005

By: 

Mehdi Sheikerz  
Registration No. 41,307

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,

P.O. Box 1450, Alexandria, VA 22313-1450

on September 15, 2005

STAAS & HALSEY

By: 

Date: September 15, 2005